

REMARKS

Claims 1-8 and 10 were pending in the case and will remain pending upon entry of this Amendment.

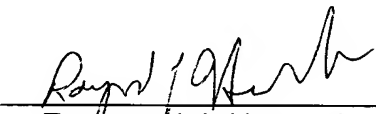
Claims 1-4, 6-8 and 10 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over Turnbull in view of Cullen. The Office Action alleges that the difference between the instant nematocide and the primary reference is difluro versus trifluro. It adds that Cullen allegedly teaches analogous nematocides which generically include difluro compounds of Turnbull. The Office Action alleges that the reference teaches the equivalence of di and trifluro compounds by reciting the Z moiety as either H (as in Turnbull) or F (as in the instant case). The Office Action concludes that it would have been obvious to one skilled in the art to prepare the equivalent trifluoro compounds analogous to the cited examples to obtain the claimed compounds, in the absence of unexpected properties.

Applicants traverse the rejection by submitting herewith a Declaration of Dr. Wolfram Andersch which compares the damages to plants caused by trifluro versus difluro compounds, specifically comparing Example 3 of the present invention with Example VII.26 of Turnbull.

The Declaration establishes the unexpectedly superior results obtained with the present invention. Its unexpectedness is even more profound in light of the Office Action's allegations that the prior art would have predicted the compounds to be equivalent, which clearly they are not.

Applicants believe Claims 1-8 and 10 are in condition for allowance, and review, consideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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